



**CITY OF SCOTTSDALE
McDOWELL SONORAN PRESERVE COMMISSION
REGULAR MEETING**

December 17, 2012

**Florence Ely Nelson Desert Park
8950 E. Pinnacle Peak Road
Scottsdale, AZ 85255
SUMMARIZED MINUTES**

PRESENT: James Heitel, Chairman
Fred Klein, Vice Chairman
Susan Wheeler, Commissioner
Marg Nelssen, Commissioner
Robert Frost, Commissioner
Con Englehorn, Commissioner

ABSENT: Mike Milillo, Commissioner

STAFF: Bill Murphy
Kroy Ekblaw
Scott Hamilton
Claire Miller
Robbin Schweitzer
Liz Hildenbrand

GUESTS: Mike Nolan
Jack McEnroe
Melinda Gulick
Howard Myers
Betty Miller
Mike Mayer
John Sather

1. CALL TO ORDER

Chairman Heitel called the meeting to order at 5:00 p.m.

2. ROLL CALL

Members present as noted above.

3. PUBLIC COMMENT

Mike Mayer, Scottsdale citizen, commented about what he considered disrespectful public comments made during a previous meeting, the Desert Discovery Center and the possibility of doing habitat studies, and Game and Fish Signage.

4. APPROVAL OF MINUTES

Approval of the Regular Meeting minutes of November 1, 2012

COMMISSIONER ENGLEHORN MOVED TO APPROVE THE NOVEMBER 1, 2012, MCDOWELL SONORAN PRESERVE REGULAR MEETING MINUTES. SECONDED BY COMMISSIONER FROST, THE MOTION CARRIED WITH A VOTE OF SIX (6) TO ZERO (0). COMMISSIONER MILILLO WAS ABSENT.

5. REVIEW BOND TASK FORCE ITEMS RELATED TO THE PRESERVE

Howard Myers, Scottsdale citizen, opined that it would be inappropriate at this time to have a bond for trailheads and that packaging trailheads together with the Desert Discovery Center would be confusing to the public. He provided some history behind the origination of the DDC and the steps that have been taken to this point.

Discussion ensued regarding the Commission's role as it pertains to the Desert Discovery Center, agendaizing a presentation and discussion on studies, task force work that has been done to date, City Council actions to date, legal opinions, and whether or not it would be appropriate to forward the letter written by Chair Heitel in its current form to the City Council. Mr. Ekblaw noted that the Bond Task Force has at this point elected to forward the DDC Bond proposal to City Council with no recommendation.

COMMISSIONER NELSEN MOVED TO FORWARD THE LETTER WRITTEN BY CHAIRMAN HEITEL REGARDING THE DESERT DISCOVERY CENTER TO COUNCIL IN ITS CURRENT FORM. COMMISSIONER FROST SECONDED THE MOTION.

Discussion continued regarding the appropriateness of forwarding the letter. Chair Heitel reviewed the primary points of the letter, which are: that the current Preserve Ordinance does not permit such a use; the proposed site is yet to be permitted for use as neither the MSPC, the public, nor Council have amended the Preserve Ordinance to allow the use to the DDC; and the public has yet to be allowed to vote on or approve any measure that would carve out the 10 to 20 acres of land from the Preserve and compensate the citizens for such an acquisition in order to provide a site for the DDC.

Mr. Ekblaw clarified that the recommendation was to amend the Preserve Ordinance to have a different set of rules for the area to be used for the DDC, not to remove the land from the Preserve. He recommended forwarding the letter to Council as a way to frame the Commission's points of concern and mention to Council that the Commission would

like the opportunity to meet with the Phase III Subcommittee. He said that the Phase III Subcommittee is still active and he plans to recommend the Phase III Subcommittee reconvene.

COMMISSIONER NELSEN AMENDED HER MOTION TO ADD POINTS MADE BY MR. EKBLAW AND FORWARDING THE LETTER TO THE CITY COUNCIL AND COPYING THE BOND TASK FORCE. COMMISSIONER FROST SECONDED THE AMENDED MOTION.

Discussion ensued regarding bonding for trailheads. Mr. Ekblaw suggested that rather than conveying to Council that there are an overabundance of funds currently available to the Preserve, to say that at this time it is premature and that bonding for trailheads should be reconsidered during the next bond cycle.

There was clarifying discussion regarding the previously made motion about the letter to City Council concerning the Desert Discovery Center. The Commission agreed that the letter would be amended by staff and forwarded to Commissioners for comments prior to being signed and forwarded to City Council.

COMMISSIONER NELSEN AMENDED HER MOTION TO ADD THAT THE LETTER WOULD BE AMENDED BY STAFF AND FORWARDED TO THE COMMISSIONERS FOR COMMENTS PRIOR TO BEING SIGNED AND FORWARDED TO CITY COUNCIL. COMMISSIONER FROST SECONDED THE AMENDMENT. THE MOTION CARRIED WITH A VOTE OF FOUR (4) TO TWO (2), WITH VICE-CHAIR KLEIN AND COMMISSIONER ENGLEHORN DISSENTING.

6. REVIEW LOST DOG WASH ADA INTERPRETIVE TRAIL - STATUS AND NEXT STEPS

Mr. Ekblaw reviewed the proposed graphic of existing trails and a concept location for the Barrier Trail. He outlined the area and explained why there are concerns that the proposed area could be considered as being in a wash in part because of a history of areas that are in an alluvial fan. Flora and fauna experts and Game and Fish are being consulted and an evaluation will be done on the proposed area as well as alternate options. He anticipates that there will be an open house prior to the proposal returning to the McDowell Sonoran Preserve Commission for further recommendation.

Discussion ensued regarding current trail funding, the possibility of finding additional grants, and minimizing the impact. Mr. Hamilton noted that in the past there were Heritage Funds available, but those are no longer available.

Betty Miller, Scottsdale citizen, commented on the proposed location and potential impact on the sensitive eco system. She suggested alternate routing for the trail.

Mr. Ekblaw said that an analysis of factual issues would be developed and the open house would most likely be held in late January or February.

7. STAFF REPORTS

Mr. Ekblaw clarified that the Game and Fish signage regarding firearms and hunting in the Preserve mentioned by Mr. Mayer were a misprint and are being corrected. He explained the relationship between the Arizona firearms laws and rules as they are outlined in the Scottsdale Preserve Ordinance and potential amendments that Game and Fish is making to their rules about firearm hunting on State Trust Lands.

Commissioners were given the opportunity to make comments.

8. COMMISSIONER COMMENTS

There were no Commissioners who wished to make comments.

9. AGENDA ITEMS FOR FEBRUARY 7, 2013

Possible agenda items include:

- Election of Officers
- Ethics Training
- Scottsdale Leadership Principles for Civil Dialogue Initiative
- Future Acquisition Priorities
- Future Land Cost Benefit Study Process - Spring

Mr. Ekblaw confirmed that staff would work towards scheduling a special meeting for the purpose of a presentation and discussion about the Desert Discovery Center.

10. ADJOURNMENT

The meeting adjourned at 6:02 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.